

R E M A R K S

Prior to entry of this Amendment:

- Claims **1-22** were pending in the present application
- Claims **1-22** stand rejected

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims **1-22** will be pending
- Claims **1, 2, 4, and 17** will be amended
- Claims **1, 2, and 17** will be the only independent claims

A. Telephone Interview

We would like to thank the Examiner for the helpful telephone conversation held on April 11, 2005, with our representative.

The Examiner and our representative discussed the present application in light of Morganstein.

Our representative suggested that Morganstein does not teach or suggest a feature generally directed to enabling communication between a caller in a queue and a merchant, in which the caller's call remains in the queue during the enabled communication, as generally recited in Claim **1**.

While no formal agreement was reached, we are grateful for the opportunity to discuss the present application with the Examiner.

B. Claim Amendments

B.1. Claim 4 has been amended to correct a typographical error

Claim **4** has been corrected to include two characters ("s.") inadvertently deleted from the end of the sentence. No new matter has been added

B.2. Independent Claims 1, 2, and 17 have been amended

Independent Claims **1, 2, and 17** have been amended to recite generally that the recited connection, established between a merchant and a caller who has a call in a queue, enables the caller to make a purchase from the merchant while the caller's call remains in the queue (e.g., for connection to another merchant). No

new matter has been added. We do not agree that such an amendment is necessary for patentability in light of the cited references, and we have made the amendment solely in order to expedite issuance of the present application.

C. Section 102(e) and Section 103(a) Rejections

Claims **1-8, 11-18, 21, and 22** stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,020,095 issued to Morganstein et al. (“Morganstein”). We respectfully traverse the Examiner’s Section 102(e) rejection.

Claims **9, 10, 19, and 20** stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein in view of U.S. Patent No. 5,675,637 issued to Szlam et al. (“Szlam”). We respectfully traverse the Examiner’s Section 103(a) rejection.

C.1. Independent Claims 1, 2, and 17

We respectfully submit that independent Claims **1, 2, and 17** are not anticipated or obvious in light of Morganstein or Szlam, alone or in combination. The cited references do not teach or suggest all of the features of any of the independent claims.

According to some embodiments of the present invention, a caller may be placed on hold with respect to his connection to the call center while the caller enjoys a selected entertainment option via a second connection. For example, some embodiments of the invention provide for a caller, on hold with the call center of a first merchant via a first connection, to be in communication with a second merchant via a second connection. See, e.g., Specification, paragraph [34].

Some embodiments of the present invention provide for wherein a caller placed in a queue (e.g., of a call center) will be permitted to access at least one entertainment option while on hold. Entertainment options may include permitting the caller to shop at one or more merchants. See, e.g., Specification, paragraph [27].

Each of independent Claims **1, 2, and 17** has been amended to recite generally that the connection between the caller and a merchant enables the caller to make a purchase at the merchant while the caller’s call remains on hold in a queue.

C.2. The Cited References Do Not Disclose Enabling a Caller to Make a Purchase at a Merchant While the Caller Remains in a Queue

Both Morganstein and Szlam are devoid of any hint of allowing a caller to make a purchase at a merchant while the caller remains in a queue. Although Morganstein describes providing “prerecorded” marketing or advertising messages, there is no suggestion that a calling party on hold is able to make any purchase while on hold in the Morganstein system.

There is nothing in Morganstein or Szlam that would suggest any of the following features:

- *establishing a connection, the connection enabling the caller to make a purchase from the second merchant while the call remains in the queue for the first merchant*

as now recited in independent Claim 1;

- *establishing a connection based on the access information, the connection enabling the caller to make a purchase from the at least one merchant while the incoming call remains in the queue.*

as now recited in independent Claim 2; or

- *establishing a second connection between the caller and the merchant based on the telephone number, the second connection enabling the caller to make a purchase from the merchant while the incoming call remains in the queue*

as now recited in independent Claim 17.

For at least the reasons stated herein, we respectfully request allowance of the pending Claims 1-22.

D. Authorization to Charge Appropriate Fees

We do not believe that any fees are necessary for this response.

Please grant a petition for any extension of time required to make this Response timely.

If necessary, please charge any appropriate fees necessary per the following information:

Deposit Account: 50-0271

Order No.: 01-033

Please credit any overpayment to the same account.

A duplicate copy of this authorization is enclosed for such purposes.

E. Conclusion

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,



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Date